

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Mr. Alan J. Biller
1409 Water Oak Court
Mt. Pleasant, SC 29466

SCDOI File Number 06-0565

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above named respondent, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact that Alan Biller did fail to attend one fourth of the C.E. classes held on March 7-8, 2006, and that on 3-8-06, he signed producer Bruce Thompson's name to the roster, before confirming if Mr. Thompson would be attending or not, that day. The respondent acknowledges this, but contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of his license to transact the business of insurance producer in South Carolina, following a public hearing at the Administrative Law Court, pursuant to SC Code Ann. § 38-43-130 (Supp.2005).

Rather than awaiting the outcome of impending administrative disciplinary proceedings against him, Alan Biller and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that in lieu of the Department seeking to suspend or revoke Mr. Biller's license, he would waive his right to a public hearing, and pay an administrative penalty in the amount of \$500.00 dollars.

Section 38-43-106(A)(1) of the South Carolina Code of Administrative Laws provides that: "a producer who falsely represents that he or another person has met the continuing educational requirements of this section, after being afforded notice and an opportunity for a hearing by the Administrative Law Court, is subject to the penalty described in Section 38-2-10." Similarly, Regulation 69-50 XIII(C) stipulates in pertinent part that producers who do not comply with its provisions could be denied the renewal of their license.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Alan J. Biller did violate SC Code Ann. § 38-43-106(A)(1) (Supp. 2005), and Regulation 69-50 XIII(C). As a result, I can now take administrative disciplinary action against his resident producer's license. However, under the discretionary authority provided to me within SC Code Ann. § 38-43-130, and after carefully considering the recommendation of the parties, I hereby conclude that the appropriate sanction against Alan Biller is an administrative penalty in the amount of \$500.00 dollars.

The parties have reached this agreement through negotiation and compromise and in consideration of the nature of the violation and of Mr. Biller's assurances that in the future he will comply with all of the State's insurance laws. The parties expressly agree and understand that payment of the penalty shall constitute full accord and satisfaction of this matter.

By his signature upon this consent order, Alan J. Biller acknowledges that he understands this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2005).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3) (Supp. 2005), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered, that within fifteen days from the date of receipt of this consent order, Alan J. Biller shall pay through the Department an administrative penalty in the amount of \$500.00 dollars.

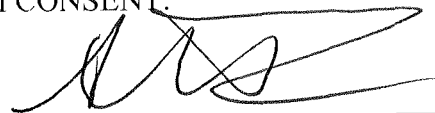
It is further ordered that a copy of this consent order be placed in his licensing file.

This consent order becomes effective as of the date of my signature below.


Eleanor Kitzman
Director

Aug 10, 2006, at
Columbia, South Carolina

I CONSENT:

A handwritten signature in black ink, appearing to read 'Alan J. Biller', written over a horizontal line.

Alan J. Biller
1409 Water Oak Court
Mt. Pleasant, SC 29466

Dated this 7 day of August, 2006.